IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR.

O R D E R

Atal Singh & ors. Versus State of Rajasthan & Anr.

S.B. Criminal Misc. Petition No. 115/2006
for quashing the FIR No. 103/2005, Police Station, Shergarh, district Jodhpur.

...

Date of Order: September 14, 2006

PRESENT

HON'BLE MR. JUSTICE H.R. PANWAR

Mr. Rohitash Singh, for the petitioners.
Mr. Ashok Upadhyaya, Public Prosecutor for the State.

BY THE COURT:

By the instant criminal miscellaneous petition under Section 482 Cr.P.C., the petitioners seek quashing of FIR No.103/2005, Police Station, Shergarh, district Jodhpur, for the offences under Sections 435, 458, 323 and 324 IPC.

Heard learned counsel for the petitioners and the Public Prosecutor for the State.

Learned Public Prosecutor submits that after investigation, the police prima facie found the case against the petitioners and filed the Challan against them. Learned counsel for the petitioners submits that a false case has been instituted against the petitioners.

From a perusal of the FIR, it appears that the present petitioners, along with other co-accused, boarded a jeep from B.J.S. Colony, Jodhpur and went Shergarh where the complainant is residing with his family and committed the offences. In my view, the FIR discloses commission of cognizable offences and it cannot be said that the FIR is false or filed with an oblique motive. Keeping in view the decisions of the Hon'ble Supreme Court in State of Haryana Vs. Bhajan Lal, 1992 (Suppl.) 1 SCC 335; and Union of India & ors. Vs. B.R. Bajaj & ors., (1994) 2 SCC 277, it is not at all a fit case for quashing the FIR.

The criminal miscellaneous petition is, therefore, dismissed. The stay petition also stands dismissed.

(H.R. PANWAR), J.

mcs